

THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

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THE UNITED STATES OF AMERICA,

Case No. 1:20-CR-183

Plaintiff,

Honorable Robert Jonker

v.

BRANDON CASERTA,

Defendant.

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**UNOPPOSED MOTION FOR ENDS OF JUSTICE CONTINUANCE**

NOW COMES the Defendant, BRANDON CASERTA, by and through his attorney, Michael D. Hills and, pursuant to 18 USC 3161(h)(7)(A), 18 USC 3161(h)(7)(B)(ii) & 18 USC 3161(h)(7)(B)(iv), respectfully moves this Court for an ends of justice continuance and a complex case designation.

The reasons which support this Motion are set forth in the attached Memorandum in Support. The Government does not oppose this Motion.

Respectfully Submitted,

HILLS AT LAW, P.C.

Dated: January 27, 2021

/s/ Michael D. Hills  
Attorney for Defendant

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**MEMORANDUM IN SUPPORT OF UNOPPOSED  
MOTION FOR ENDS OF JUSTICE CONTINUANCE**

This case began as a criminal complaint filed on October 6, 2020 charging Adam Fox, Barry Croft, Jr., Ty Garbin, Kaleb Franks, Daniel Harris and Brandon Caserta with conspiracy to commit kidnapping contrary to 18 U.S.C. 1201(c). Specifically, the allegation contemplates a conspiracy to kidnap Michigan Governor Gretchen Whitmer. Beginning on October 16, 2020 preliminary examinations and detention hearings were held on all defendants except Barry Croft who was being extradited back to the district. Probable cause was found and all Defendants present were denied bond and remain incarcerated.

Following the preliminary examination counsel for defendants and for the government agreed to an ends of justice continuance to extend time for filing the indictment. On October 30, 2020 the Court granted the government an extension of time to file the indictment. During that extension defense counsel received some discovery so they could begin their review, as the whole of discovery promised to be vast.

An indictment charging conspiracy to kidnap was filed December 16, 2020 just

after the final defendant to arrive, Barry Croft, Jr. was brought into the district. Mr. Croft remains detained. Thereafter this Court set a trial date for March 23, 2021. Defendant Ty Garbin entered into a plea agreement and pled guilty to the indictment on January 27, 2021.

Due to the complexity of the case and volume of discovery a defense coordinator has been appointed to coordinate discovery with the government. This coordination of discovery has been ongoing. On January 20, 2021 counsel for defendants Fox, Croft, Franks, Harris and Caserta met with the defense discovery attorney, Julie de Almeida, to determine status of discovery. At that time full discovery had not been received from the government, but was expected within a week. As of this writing Ms. Almeida has not received the expected remainder of discovery. After receipt of the anticipated discovery Ms. Almeida estimates another 2-3 weeks to process the material into a usable format for defense counsel. Once the discovery has been formatted it will be distributed to defense counsel.

As of this writing counsel for remaining defendants do not possess a complete set of discovery. However, defense counsel does know that thousands of hours of recorded audio, many thousands of pages of messaging, videos, embedded agents, paid informants and much more – are expected and will take months to review and distill to detect probable legal issues and prepare for trial. Remaining defense counsel discussed timing and all agreed to request a six month continuance of the trial date to be able to effectively prepare for trial.

Your defendant Brandon Caserta has signed a speedy trial waiver.

Counsel has consulted the attorneys for defendants Fox, Croft, Franks and Harris. All agree to the requested continuance.

Counsel, Scott Graham, has consulted A.U.S.A Hake who does not oppose this request as long as all remaining defendants concur.

Wherefore, Defendant requests this Court consider an ends of justice continuance, designate this case complex and schedule out 5 months for rule 12 filings and 6 months for jury trial pursuant to 18 USC 3161(h)(7)(B)(ii) & 18 USC 3161(h)(7)(B)(iv).

Respectfully Submitted,

HILLS AT LAW, P.C.

Dated: January 27, 2021

*/s/Michael D. Hills*  
Attorney for Defendant

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